

Montana State Legislature

2013 Session

Additional Documents include:

- *Business Report**
- *Roll Call- attendance**
- *Standing Committee Reports,**
- *Table Bills, Fiscal reports etc.**
- *Roll Call Votes**
- *Witness Statements**
- *Informational items**
- *Visitor Registrations**
- *Any other Documents;**
 - ~Petitions if any?**
 - ~Any and all material handed in after the meeting end.**

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Wednesday, February 13, 2013
Place: Capitol

Time: 9:00 A.M.
Room: 172

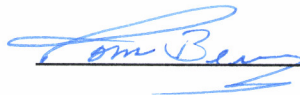
BILLS and RESOLUTIONS HEARD:

HB 297 - Provide that employment of an unauthorized alien is unlawful - Rep. David Howard
HB 402 - License and regulate wineries selling and shipping wine directly to MT consumers -
Rep. Chuck Hunter
HB 424 - Allow tasting event by limited sellers of wine consumed off-premises - Rep. JP
Pomnichowski
HB 425 - Revise laws related to the sale of fortified wine - Rep. JP Pomnichowski

EXECUTIVE ACTION TAKEN:

HB 48 - DO PASS
HB 400 - TABLED
HB 345 - DO PASS AS AMENDED
HB 281 - DO PASS AS AMENDED
HB 284 - DO PASS AS AMENDED
HB 362 - DO PASS AS AMENDED

Comments: None



REP. Tom Berry, Chair

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS & LABOR COMMITTEE

DATE: 2/13/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
REP. TOM BERRY, CHAIR	✓	
REP. DAN SALOMON, VICE CHAIR	✓	
REP. CARLIE BOLAND, VICE CHAIR	✓	
REP. CHRISTY CLARK	✓	
REP. AMANDA CURTIS	✓	
REP. STEVE FITZPATRICK	✓	
REP. EDWARD GREEF	✓	
REP. ROGER HAGAN	✓	
REP. CHUCK HUNTER	✓	
REP. MIKE LANG	✓	
REP. JONATHAN MCNIVEN	✓	
REP. DAVID MOORE	✓	
REP. REILLY NEIL	✓	
REP. PATRICIA PEPPERS	✓	
REP. GORDON PIERSON, JR	✓	
REP. SCOTT REICHNER	✓	
REP. CARY SMITH	✓	
REP. CAROLYN SQUIRES		✓
REP. TOM STEENBERG	✓	
REP. JEFFERY WELBORN	✓	



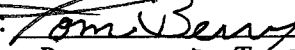
HOUSE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 3

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 345** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative ~~Tom~~ Berry, Chair

And, that such amendments read:

1. Page 2, line 18.

Following: line 17

Insert: "(8) "State" means the state of Montana."

2. Page 3, lines 9 and 10.

Strike: "to conceal" on line 9 through "contractors" on line 10

Insert: "material to an obligation to pay or transmit money or property to a governmental entity or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to a governmental entity"

3. Page 4, line 5.

Strike: "a"

4. Page 4, line 6.

Following: "(i)"

Insert: "a"

5. Page 4, line 8.

Following: "(ii)"

Insert: "a"

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0345001SC.hjk

6. Page 4, line 9.

Following: "(iii)"

Insert: "the"

Strike: "report"

7. Page 4, line 15 through line 18.

Strike: "- " on line 15 through "entity~~7.1~~" on line 18

Insert: "brought under 17-8-406 against the state or an officer or employee of the state arising from conduct by the officer or employee within the scope of the officer's or employee's duties to the state."

8. Page 7, line 10.

Strike: "If the" through ", a"

Insert: "A"

9. Page 7, line 14.

Following: "."

Insert: "If the governmental entity does not intervene, it is not responsible for any of the defendant's fees and costs."

10. Page 7, line 17.

Strike: "Prohibition on employers -- employee

Insert: "Retaliatory actions prohibited --"

11. Page 7, line 18.

Strike: "officer, agency,"

Insert: "agent,"

12. Page 7, line 22.

Strike: "officer, agency,"

Insert: "agent,"

13. Page 7, line 24.

Strike: "officer, agency,"

Insert: "agent,"

14. Page 7, line 26 through page 8, line 5.

Strike: "(a) A governmental" on page 7, line 26 through
"occurred." on page 8, line 5

Insert: "An employee, contractor, or agent is entitled to all relief necessary to make the employee, contractor, or agent whole if the employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, or agent or associated others in furtherance of an action under this part or other efforts to stop one or more violations of this part.

(4) Relief under subsection (3) includes reinstatement with the same seniority status the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. A civil action may be brought in the appropriate district court of the state for the relief provided in this subsection.

(5) A civil action under this section may not be brought more than 3 years after the date on which the retaliation occurred."

- END -



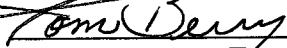
HOUSE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 281** (first reading copy -- white) do pass as amended.

Signed: 
Representative ~~Tom~~ Berry, Chair

And, that such amendments read:

1. Page 2, line 6.

Following: "surgeon,"

Insert: "physician assistant,"

Following: "dentist,"

Insert: "dental hygienist,"

- END -

Committee Vote:

Yes 13, No 7

Fiscal Note Required ☐

HB0281001SC.hjk



HOUSE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 2

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 284** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative ~~Tom~~ Berry, Chair

And, that such amendments read:

1. Page 2, line 15 through line 18.

Strike: line 15 through line 18

Insert: "(A) for agency liquor stores with a volume of sales up to \$1.1 million:

(I) 2.25% during the period beginning July 1, 2013, and ending June 30, 2014;

(II) 3% beginning July 1, 2014;

(B) for agency liquor stores with a volume of sales greater than \$1.1 million and up to \$3.1 million:

(I) 1.375% during the period beginning July 1, 2013, and ending June 30, 2014;

(II) 1.875% beginning July 1, 2014;

(C) for agency liquor stores with a volume of sales greater than \$3.1 million and up to \$5.1 million:

(I) 1% during the period beginning July 1, 2013, and ending June 30, 2014;

(II) 1.125% beginning July 1, 2014;

(D) for agency liquor stores with a volume of sales greater than \$5.1 million:

(I) 0.875% during the period beginning July 1, 2013, and ending June 30, 2014;

(II) 1% beginning July 1, 2014; or"

2. Page 2, line 19.

Strike: "(C)"

Insert: "(E)"

Committee Vote:

Yes 17, No 3

Fiscal Note Required ☐

3. Page 2, line 20.

Strike: "(4)(a)(ii)(A) or (4)(a)(ii)(B)"

Insert: "(4)(a)(ii)"

4. Page 2, line 23.

Strike: "subsections (4)(a)(ii)(A) or (4)(a)(ii)(B)"

Insert: "subsection (4)(a)(ii) of the relevant year"

- END -



HOUSE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 2

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 362** (first reading copy -- white) **do pass as amended.**

Signed: Tom Berry
Representative Tom Berry, Chair

And, that such amendments read:

1. Title, line 8.

Following: "35-8-202,"

Insert: "35-8-205,"

2. Page 5, line 7.

Strike: "does not apply"

Insert: "applies"

3. Page 7, following line 16.

Insert: "**Section 5.** Section 35-8-205, MCA, is amended to read:

"**35-8-205. Filing with secretary of state.** (1) The articles of organization or any other document required to be filed pursuant to this chapter must be delivered to the secretary of state. If the secretary of state determines that the documents conform to the filing provisions of this chapter and that all required filing fees have been paid, the secretary of state shall:

(a) endorse on the signed document the word "filed" and the date and time of accepting the document for filing;

(b) retain the signed document in the secretary of state's files; and

(c) send a certification letter to the person who filed the document or to the person's representative.

(2) If the secretary of state is unable to make the determination required for filing by subsection (1) at the time any documents are delivered for filing, the documents are considered to have been filed at the time of delivery if the

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0362001SC.hjk

DC 2-13-13
12:30

secretary of state subsequently determines that the documents as delivered conform to the filing provisions of 35-8-201 through 35-8-211.

(3) All documents filed with the secretary of state must reflect the name of the limited liability company and all series of members within the limited liability company if the limited liability company has one or more series of members."

Renumber: subsequent sections

- END -



HOUSE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 48** (first reading copy -
- white) **do pass**.

Signed: *Tom Berry*
Representative ~~Tom~~ Berry, Chair

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0048001SC.hjk

BILL TABLED NOTICE

HOUSE BUSINESS AND LABOR COMMITTEE

The HOUSE BUSINESS AND LABOR COMMITTEE TABLED

HB 400 - Revise laws related to personal information privacy - Rep. Daniel Zolnikov
, by motion, on **Wednesday, February 13, 2013.**



(For the Committee)



(For the Chief Clerk of the House)

1:06 / 2-13
(Time) (Date)

February 13, 2013 (12:57pm)

Ellen Bush, Secretary

Phone: 7353

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS & LABOR COMMITTEE

DATE: 2/13/13 BILL NO 281 MOTION NO. _____

MOTION: Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DAN SALOMON, VICE CHAIR	✓		
REP. CARLIE BOLAND, VICE CHAIR		✓	
REP. CHRISTY CLARK	✓		
REP. AMANDA CURTIS		✓	
REP. STEVE FITZPATRICK	✓		
REP. EDWARD GREEF	✓		
REP. ROGER HAGAN	✓		
REP. CHUCK HUNTER		✓	✓
REP. MIKE LANG	✓		
REP. JONATHAN MCNIVEN	✓		✓
REP. DAVID MOORE	✓		
REP. REILLY NEILL		✓	
REP. PATRICIA PEPPERS		✓	
REP. GORDON PIERSON, JR		✓	
REP. SCOTT REICHNER	✓		
REP. CARY SMITH	✓		
REP. CAROLYN SQUIRES		✓	
REP. TOM STEENBERG	✓		
REP. JEFFERY WELBORN	✓		
REP. TOM BERRY, CHAIR	✓		

13-7

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS & LABOR COMMITTEE

DATE: 2/13/13 BILL NO 284 MOTION NO. _____

MOTION: Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DAN SALOMON, VICE CHAIR	✓		
REP. CARLIE BOLAND, VICE CHAIR	✓		
REP. CHRISTY CLARK	✓		
REP. AMANDA CURTIS	✓		
REP. STEVE FITZPATRICK	✓		
REP. EDWARD GREEF	✓		
REP. ROGER HAGAN	✓		
REP. CHUCK HUNTER	✓		✓
REP. MIKE LANG	✓		
REP. JONATHAN MCNIVEN		✓	✓
REP. DAVID MOORE	✓		
REP. REILLY NEILL	✓		
REP. PATRICIA PEPPERS	✓		
REP. GORDON PIERSON, JR	✓		
REP. SCOTT REICHNER		✓	
REP. CARY SMITH		✓	
REP. CAROLYN SQUIRES	✓		✓
REP. TOM STEENBERG	✓		
REP. JEFFERY WELBORN	✓		
REP. TOM BERRY, CHAIR	✓		

17-3

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Business & Labor

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Solomon

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
Rep HB 345	X				
Admend	X				
HB 281	X				
Admend	X				
HB 284	X	X			
Admend	X				
HB 362	X				
Admend	X				
HB 48	X				
HB 400					
table	X				

Rep. Jonathan D. McCall (Signature) Date 2-13-13

AUTHORIZED COMMITTEE PROXY

I request to be excused from the

Bil

Committee because of other commitments. I desire to leave my proxy vote with:

V-Chair Palfunk

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 345 AS AMEND.	✓				
HB 281 AS AMEND		✓			
HB 284 AS AMEND	✓				
HB 345					
HB 362 AS AMEND	✓				
HB 48	✓				
HB 400					
HB 245 amend.	✓				
HB 281 amend.	✓				
HB 284 amend.	✓				
HB 362 amend.	✓				

Rep.

Cassidy Spivak
(Signature)

Date

2/13/13

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Business & Labor

Committee because of other commitments. I desire to leave my proxy vote with:

V-Chair Balance

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 345 AS AMEND	✓	
HB 281 AS AMEND		✓
HB 284 AS AMEND	✓	
HB 362 AS AMEND	✓	
HB 48	✓	
HB 400		
HB 345 amendmt.	✓	
HB 281 amendmt.	✓	
HB 284 amendmt.	✓	
HB 362 amendmt.	✓	

BILL/AMENDMENT	AYE	NO

Rep. Chuck Hunter
(Signature)

Date 2/13/13

**MONTANA House of Representatives
Visitors Register
HOUSE BUSINESS AND LABOR COMMITTEE**

~~Tuesday, February 12, 2013~~ Wed. Feb. 13, 2013

HB 297 - Provide that employment of an unauthorized alien is unlawful

Sponsor: Rep. David Howard

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives

HOUSE BUSINESS AND LABOR COMMITTEE

~~Tuesday, February 12, 2013~~ Wed. Feb. 13, 2013

HB 402 - License and regulate wineries selling and shipping wine directly to MT consumers

Sponsor: Rep. Chuck Hunter

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE BUSINESS AND LABOR COMMITTEE**

Wed. Feb. 13, 2013

~~Tuesday, February 12, 2013~~

HB 425 - Revise laws related to the sale of fortified wine

Sponsor: **Rep. JP Pomnichowski**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives

HOUSE BUSINESS AND LABOR COMMITTEE

~~Tuesday, February 12, 2013~~

HB 424 - Allow tasting event by limited sellers of wine consumed off-premises

Sponsor: Rep. JP Pomnichowski

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.